

# EXHIBIT D

---

**From:** Lustberg, Lawrence S  
**Sent:** Monday, November 15, 2021 5:20 PM  
**To:** Rossmiller, Alexander (USANYS); Valen, Thomas R.  
**Cc:** Thomas, Andrew (USANYS); Podolsky, Matthew (USANYS)  
**Subject:** RE: Your call

Great – let me figure out the best time and will send around an invite to all of you. Thanks, Alex.

**LAWRENCE S. LUSTBERG** | Director  
Co-Chair, Commercial & Criminal Litigation Group  
t: 973-596-4731 | c: 201-407-4765 | f: 973-639-6285  
[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com) | [bio](#)

**Gibbons P.C.** | One Gateway Center | Newark, NJ 07102-5310  
m: 973-596-4500 | f: 973-596-0545 | [office](#) | [map](#)



[gibbonslaw.com](http://gibbonslaw.com) | [gibbonslawalert.com](http://gibbonslawalert.com)  

---

**From:** Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>  
**Sent:** Monday, November 15, 2021 5:17 PM  
**To:** Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Valen, Thomas R. <TValen@gibbonslaw.com>  
**Cc:** Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>  
**Subject:** RE: Your call

Larry,

Thanks for getting back to us so promptly, and 4:00 is fine for us, thanks – or if it's easier in terms of your expected commute to do a little later, say 4:30 / 5:00 / 5:30, that works too. If you want to send a call-in for whichever time in that range you prefer, we'll plan to talk then.

thanks again,  
Alex.

---

**From:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>  
**Sent:** Monday, November 15, 2021 17:14  
**To:** Rossmiller, Alexander (USANYS) <[ARossmiller@usa.doj.gov](mailto:ARossmiller@usa.doj.gov)>; Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>  
**Cc:** Thomas, Andrew (USANYS) <[AThomas@usa.doj.gov](mailto:AThomas@usa.doj.gov)>; Podolsky, Matthew (USANYS) <[MPodolsky@usa.doj.gov](mailto:MPodolsky@usa.doj.gov)>  
**Subject:** [EXTERNAL] RE: Your call

Sure, Alex – I have a Third Circuit oral argument in Wilmington Delaware starting at 1:00 that day, but I suspect that by 4:00, at the latest, I will be available (though I may be in my car or, more likely, on a train) – I have checked with Tom and he is available too. If that works for you, I can send around a call-in number. Let me know. Thanks.

Larry

**LAWRENCE S. LUSTBERG** | Director

Co-Chair, Commercial & Criminal Litigation Group

t: 973-596-4731 | c: 201-407-4765 | f: 973-639-6285

[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com) | [bio](#)

**Gibbons P.C.** | One Gateway Center | Newark, NJ 07102-5310

m: 973-596-4500 | f: 973-596-0545 | [office](#) | [map](#)



[gibbonslaw.com](http://gibbonslaw.com) | [gibbonslawalert.com](http://gibbonslawalert.com)



---

**From:** Rossmiller, Alexander (USANYS) <[Alexander.Rossmiller@usdoj.gov](mailto:Alexander.Rossmiller@usdoj.gov)>

**Sent:** Monday, November 15, 2021 4:59 PM

**To:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>; Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>

**Cc:** Thomas, Andrew (USANYS) <[Andrew.Thomas2@usdoj.gov](mailto:Andrew.Thomas2@usdoj.gov)>; Podolsky, Matthew (USANYS) <[Matthew.Podolsky@usdoj.gov](mailto:Matthew.Podolsky@usdoj.gov)>

**Subject:** RE: Your call

Larry, Tom,

We were wondering if you would be available for a phone call this Wednesday afternoon, at 3:00 or later? We wanted to follow up on a couple aspects of our discussion a few weeks ago.

thanks,

Alex.

---

**From:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>

**Sent:** Friday, October 22, 2021 06:53

**To:** Podolsky, Matthew (USANYS) <[MPodolsky@usa.doj.gov](mailto:MPodolsky@usa.doj.gov)>

**Cc:** Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>; Thomas, Andrew (USANYS) <[AThomas@usa.doj.gov](mailto:AThomas@usa.doj.gov)>; Rossmiller, Alexander (USANYS) <[ARossmiller@usa.doj.gov](mailto:ARossmiller@usa.doj.gov)>

**Subject:** RE: [EXTERNAL] RE: Your call

Please use this call-in for our 4:00 pm call today: 866-793-9719 – passcode 2655114#.

Talk to you then. Thanks.

**LAWRENCE S. LUSTBERG** | Director

Co-Chair, Commercial & Criminal Litigation Group

t: 973-596-4731 | c: 201-407-4765 | f: 973-639-6285

[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com) | [bio](#)

**Gibbons P.C.** | One Gateway Center | Newark, NJ 07102-5310

m: 973-596-4500 | f: 973-596-0545 | [office](#) | [map](#)



[gibbonslaw.com](http://gibbonslaw.com) | [gibbonslawalert.com](http://gibbonslawalert.com)



---

**From:** Podolsky, Matthew (USANYS) <[Matthew.Podolsky@usdoj.gov](mailto:Matthew.Podolsky@usdoj.gov)>  
**Sent:** Thursday, October 21, 2021 7:23 PM  
**To:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>  
**Cc:** Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>; Thomas, Andrew (USANYS) <[Andrew.Thomas2@usdoj.gov](mailto:Andrew.Thomas2@usdoj.gov)>;  
Rossmiller, Alexander (USANYS) <[Alexander.Rossmiller@usdoj.gov](mailto:Alexander.Rossmiller@usdoj.gov)>  
**Subject:** Re: [EXTERNAL] RE: Your call

That would be great, thank you.

On Oct 21, 2021, at 7:15 PM, Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> wrote:

Works for us – let me know if you want me to circulate a call-in Happy to do so.

**LAWRENCE S. LUSTBERG** | Director  
Co-Chair, Commercial & Criminal Litigation Group  
t: 973-596-4731 | c: 201-407-4765 | f: 973-639-6285  
[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com) | [bio](#)

**Gibbons P.C.** | One Gateway Center | Newark, NJ 07102-5310  
m: 973-596-4500 | f: 973-596-0545 | [office](#) | [map](#)



[gibbonslaw.com](http://gibbonslaw.com) | [gibbonslawalert.com](http://gibbonslawalert.com)



---

**From:** Podolsky, Matthew (USANYS) <[Matthew.Podolsky@usdoj.gov](mailto:Matthew.Podolsky@usdoj.gov)>  
**Sent:** Thursday, October 21, 2021 6:32 PM  
**To:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>  
**Cc:** Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>; Thomas, Andrew (USANYS) <[Andrew.Thomas2@usdoj.gov](mailto:Andrew.Thomas2@usdoj.gov)>; Rossmiller, Alexander (USANYS) <[Alexander.Rossmiller@usdoj.gov](mailto:Alexander.Rossmiller@usdoj.gov)>  
**Subject:** Re: [EXTERNAL] RE: Your call

How about 4 pm?

Matt

On Oct 21, 2021, at 6:27 PM, Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> wrote:

Thanks so much, Matt, for your prompt response. I can be available any time tomorrow afternoon, until another meeting at 5:30 pm – whatever works for you guys. Just let me know – I can send around a call-in (or a zoom invite) if that would be helpful.

Larry

**LAWRENCE S. LUSTBERG** | Director  
Co-Chair, Commercial & Criminal Litigation Group  
t: 973-596-4731 | c: 201-407-4765 | f: 973-639-6285

[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com) | [bio](#)

**Gibbons P.C.** | One Gateway Center | Newark, NJ 07102-5310  
m: 973-596-4500 | f: 973-596-0545 | [office](#) | [map](#)



—

[gibbonslaw.com](http://gibbonslaw.com) | [gibbonslawalert.com](http://gibbonslawalert.com) 

---

**From:** Podolsky, Matthew (USANYS) <[Matthew.Podolsky@usdoj.gov](mailto:Matthew.Podolsky@usdoj.gov)>  
**Sent:** Thursday, October 21, 2021 5:45 PM  
**To:** Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>; Valen, Thomas R. <[TValen@gibbonslaw.com](mailto:TValen@gibbonslaw.com)>  
**Cc:** Thomas, Andrew (USANYS) <[Andrew.Thomas2@usdoj.gov](mailto:Andrew.Thomas2@usdoj.gov)>; Rossmiller, Alexander (USANYS) <[Alexander.Rossmiller@usdoj.gov](mailto:Alexander.Rossmiller@usdoj.gov)>  
**Subject:** Your call

Larry and Tom,

I received your voicemail, thank you for reaching out. Would you like to set up a time to touch base tomorrow afternoon?

Many thanks,  
Matt

Matthew Podolsky  
Assistant United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1947

**Disclaimer**

The contents of this message, together with any attachments, may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, printing, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please do not read this message or any attachments and please notify me immediately by reply e-mail or call Gibbons P.C. at 973-596-4500 and delete this message, along with any attachments, from your computer.